

taxed by the register; the said costs to be paid by the defendant John Odom.

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DEALE *v.* ESTEP.

DUTIES OF SHERIFFS IN SERVICE OF PROCESS FROM CHANCERY.

The sheriffs, for the time being, of the several counties, are the executive officers of this Court; and as such amenable to it.

It is the duty of the sheriffs to execute all process and orders issuing from this Court.

A summons or subpoena issued by commissioners requiring a witness to attend and testify before them, under a commission to take evidence, is a process which must be served by the sheriff.

For the service of all process, which a sheriff may be required to serve, he is entitled to have his legal fees allowed and taxed as a part of the costs in the case; and may enforce payment accordingly.

THIS bill was filed on the 5th of November, 1830; by Samuel Deale against Richard Estep and Henry A. Hall, surviving administrators of Rezin Estep, deceased, and the President, Directors **434** \* and Company of the Farmers Bank of Maryland. The object of the bill was to be relieved against a judgment obtained by these defendants, and to stay proceedings at law on that judgment. An injunction was granted; and on a motion to dissolve, on the coming in of the answer, it was continued until the final hearing. A commission was then issued; and the depositions of many witnesses were taken and returned. After which the case having been brought on for a final hearing, by a decree passed on the 19th of July, 1831, the injunction was dissolved, and the bill dismissed with costs, to be taxed by the register.

On the 26th of July, 1831, the defendants by their petition stated, that the subpoenas issued by the commissioners to sundry witnesses to appear before them and testify in the case, had been served by the sheriff of Anne Arundel County, who claimed such fees for serving the process, so issued by the commissioners, as were allowed to him by law, in general terms, for serving all subpoenas. And, as a voucher of this charge by the sheriff, the petitioners exhibited an account of several items amounting to eight dollars and nineteen cents; which, however, was not signed by the sheriff; nor did it specify the case, or under what authority, or at whose instance the witnesses had been summoned. This charge the register had refused to include in the bill of costs. Whereupon the petitioners prayed, that the register might be ordered to include this charge, as sheriff's fees, in the bill of costs which he had been directed by the decree to tax.